





UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/865,419	05/28/1997	STEPHEN B. AUGER	CLINK0002	8405
75	590 12/21/2001			
JAMES C. WRAY 1493 CHAIN BRIDGE ROAD SUITE 300			EXAMINER	
			EINSMANN, MARGARET V	
MCLEAN, VA	22101		ART UNIT	PAPER NUMBER
			1751	• /

DATE MAILED: 12/21/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

<ul> <li>(A proper reply under 37 CFR 1.113 to a final rejection consists only of. (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).</li> <li>(c)  A reply was received on but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).</li> <li>(d)  No reply has been received.</li> <li>2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).</li> <li>(a)  The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission dated</li> </ul>		Application No.	Applicant(s)
Examiner		08/865 419	AUGER STEPHENB
Margaret Einsmann	Notic of Aband nm nt		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address—  This application is abandoned in view of:  1.			4754
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<ul> <li>(a) ☐ A reply was received on (with a Certificate of Mailling or Transmission dated), which is after the expiration of the period for reply (including a total extension of time of month(s)) which expired on</li> <li>(b) ☐ A proposed reply was received on, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).</li> <li>(c) ☐ A reply was received on but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the nonfinal rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).</li> <li>(d) ☐ No reply has been received.</li> <li>2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).</li> <li>(a) ☐ The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission dated Allowance (PTOL-85).</li> <li>(b) ☐ The submitted fee of \$ is insufficient. A balance of \$ is due.  The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$ (c) ☐ The issue fee and publication fee, if applicable, has not been received.</li> <li>3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).</li> </ul>			
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after the expiration of the period for reply.		(with a Certificate of Mailing or Tra	ansmission dated), which is
(b) ☐ No corrected drawings have been received.	(b) ☐ No corrected drawings have been received.		
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.		the attorney or agent of record, the as	signee of the entire interest, or all of
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.		an attorney or agent (acting in a repre	esentative capacity under 37 CFR
6. The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.	6. The decision by the Board of Patent Appeals and Inter- of the decision has expired and there are no allowed of	ference rendered on and becaulaims.	use the period for seeking court review
7. The reason(s) below:	7.  The reason(s) below:		
See Continuation Sheet	See Continuation Sheet		
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Marque d'Enoma			
Margaret Einsmann Primary Examiner Art Unit: 1751			Primary Examiner
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.	Petitions to revive under 37 CFR 1.137(a) or (b), or requests to with minimize any negative effects on patent term.	ndraw the holding of abandonment under 37	
U.S. Patent and Trademark Office PTO-1432 (Rev. 04-01)  Notice of Abandonment  Part of Paper No. 42	U.S. Patent and Trademark Office	ice of Abandonment	Part of Paper No. 42

## Continuation Sheet (PTO-1432)

Item 7 - Other reasons for holding abandonm nt: The substitute appeal brief submitted 1/22/02 is defective as failing to provide arguments why each claim is separately patentable. Applicant has stated that the claims do not stand or fall together yet has not pointed out how each claim is pat ntable over ach reference. Applicant was provided with a quotation from the MPEP in the notification of Noncompliance, paper #36, and a further explanation of what was missing in the second notice of non-compliance paper #40, 12/21/2001. Applicant has failed to properly respond since a proper appeal brief has not been submitted within the extended period of time as allowed under 37 CFR 1.136(a)for submission of such brief.